

BEFORE THE KANSAS WORKERS COMPENSATION BOARD

JOHN SCHMELTZ)	
Claimant)	
v.)	
)	Docket No. 1,060,718
REDWOOD COURTS, LLC)	
Respondent)	
and)	
)	
KANSAS WORKERS COMPENSATION FUND¹)	

ORDER

Claimant and respondent request review of the May 15, 2015, Award by Administrative Law Judge (ALJ) William J. Belden. The Board heard oral argument on September 15, 2015.

APPEARANCES

Luis Mata, of Kansas City, Missouri, appeared for claimant. Denise E. Tomasic, of Kansas City, Kansas, appeared for the uninsured respondent.

RECORD AND STIPULATIONS

The Board has considered the entire record and adopted the stipulations listed in the Award.

ISSUES

The ALJ denied compensation, finding an employment relationship did not exist between claimant and respondent on the date of claimant's accidental injury, January 31, 2012. The ALJ also addressed other issues, including personal injury by accident arising out of and in the course of employment, notice, average weekly wage and the nature and extent of claimant's disability.

¹ The Fund was dismissed by the ALJ and no party contests that ruling on appeal.

Claimant argues an employment relationship existed between he and respondent, and her claim is covered by the Kansas Workers Compensation Act. Claimant also contends the ALJ correctly found respondent was given timely notice.

Respondent agrees with the ALJ's denial of compensation, but argues respondent was not given timely notice.

The issues are:

1. Did an employment relationship exist between claimant and respondent on January 31, 2012?
2. Is this claim covered by the Kansas Workers Compensation Act?
3. Was respondent given timely notice of claimant's accidental injury?

FINDINGS OF FACT, PRINCIPLES OF LAW AND ANALYSIS

The Board holds the findings of fact set forth in the Award are amply supported by a preponderance of the credible evidence and are hereby adopted by the Board. The Board also agrees with the ALJ's rationale in concluding claimant did not sustain his burden to prove a relationship of employer/employee existed on the date of accidental injury. No purpose would be served in repeating the ALJ's analysis in this Order. All other issues are moot.

CONCLUSIONS

1. An employment relationship did not exist between claimant and respondent on January 31, 2012. Compensation must therefore be denied.
2. All other issues are moot.

AWARD

WHEREFORE, the Board finds the Award of Administrative Law Judge William J. Belden dated May 15, 2015, is affirmed.

IT IS SO ORDERED.

Dated this _____ day of September, 2015.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

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Honorable William J. Belden, Administrative Law Judge